S.B. CIVIL WRIT PETITION NO.3131/1993

East Patel Nagar Sahkari Upbhokta Bhandar, Jodhpur
Vs.
State of Rajasthan & Ors.

DATE OF ORDER :: 10-05-2005

HON'BLE MR. JUSTICE GOVIND MATHUR

Mr. Rajesh Joshi, for the petitioner.
Mr. Shyam Ladhrecha, Dy.G.A. for State.

By the order impugned dated 3.6.1993 Annexure-4, the Collector (Supply) Jodhpur, allotted a fair price shop to respondent No.4 Smt. Shanaz Bhati at East Patel Nagar, Jodhpur. The validity of the aforesaid order dated 3.6.1993 is under challenge in the present writ petition filed by the petitioner society on the ground that according to the order dated 27.2.1986 passed by the Government of Rajasthan, priority is required to be given to a co-operative society while making allotment of fair price shop and the respondents without adhering the criteria prescribed under the order dated 27.2.1986 allotted fair price shop to respondent No.4.

A reply to the writ petition has been filed on behalf of the respondents stating therein that the Government desired and emphasized by the order dated 30.04.1993 to allot at least 50% of the fair price shops to the women or the women organisation. The Government also directed by an order dated 31.3.1994

to give priority to physically handicapped persons who are otherwise capable of running the fair price shops while making allotment of the fair price shops. The petitioner being women and handicapped too, was considered as an appropriate person by the Collector (Supply) Jodhpur for allotment of fair price shop.

Heard learned counsel for the parties.

The petitioner has claimed priority on basis of the order dated 27.2.1986 being a co-operative society. Para 1 of the order dated 27.2.1986 provides for giving priority while making allotment of fair price shops to co-operative societies which are not having good financial conditions and which are also not facing serious complaints. The petitioner submitted application for allotment of fair price shop which is available on record as Annexure-2. In the application, the petitioner has no where mentioned that it is a co-operative society with good financial condition and no serious complaints are there against it. In view of it, the petitioner society lacks the necessary ingredients to claim priority under the order dated 27.2.1986. The society simply on the ground that the petitioner is a co-operative society, it cannot claim priority.

Beside the above, the respondents allotted fair price shop to respondent No.4 being woman and

also handicapped. The Government by its different orders prescribed priorities in allotment of fair price shops for those categories also. I do not find any illegality in the order impugned whereby the fair price shop was allotted to the respondent No.4.

Therefore, the writ petition is having no merit and the same is hereby dismissed.

[Govind Mathur],J.

Praveen